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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/018,310

04/22/2002

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12319

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7590

09/25/2007

EXAMINER

TRAN, HAI

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/018,310

Applicant(s)

BAUER, KARL-HEINZ

Examiner

Hai Tran

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/2002</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the first Office Action in response to the application filed on April 22, 2002, titled: "Method And Device For Coordinating Several Types Of Therapy And Therapy Providers Involved In The Treatment Of Patients".
2. Claims 1-7 are pending in this application and have been examined.

### ***Priority***

3. This application is a 371 of PCT/DE00/01337, filed 04/28/2000 and claims the benefits of the filing date.

### ***Drawings Objection***

4. The drawing is objected because there are only seven elements under the "Therapy providers" column while the original (not translated) drawing has eight elements. Appropriate correction is required.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings

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for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification Objection***

6. The specification is objected to because of the following informalities:
7. The pages of the specification, abstract, claims, and drawing are not numbered. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically,
10. Claims 1, 2, and 5 recite the terms "cognition", "emotion", and "motoricity" are unclear. Page 2, lines 11-24 of page 3 of the specification are unclear and leave the Examiner uncertain about the meaning of the technical features in question.
11. Claims 2-5 are rejected because of their dependency on claim 1.

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12. Claim 3 recites "process according to claim 1 or 2" is not definite because a person of ordinary skill in the art would be uncertain if the process is according to claim 1 or claim 2. For the examination purpose, the Examiner interprets the claim in light of this 112, second paragraph rejection.

13. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Andros et al. (U.S. Patent No. 5,842,175) ("Andros").

16. **Regarding claim 1**, Andros teaches a process for coordinating several types of therapy and the therapy providers participating in the treatment of a patient (see col. 1, lines 33-47, col. 2, lines 1-10), characterized by the following process steps (see col. 5, lines 7-16, figure 1):

that the patient's data pertaining to cognition (see col. 2, line 47 where it says "symptom data") relating to the illness to be treated are stored in a computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to the therapy providers over a data network connected to the computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46),

that the patient's data pertaining to the emotion (see col. 2, line 47 where it says "complaint data") relating to the illness to be treated are determined, stored in a computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to the therapy providers over a data network connected to the computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46),

that the patient's data pertaining to motoricity (see col. 2, line 48 where it says "site data") relating to the illness to be treated are stored in a computer (see col. 2, lines 11-36 where it says "general data and individual data") and transmitted to the therapy providers over a data network connected to the computer (see col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46).

Although Andros does not expressly teach the types of therapy "cognition", "emotion", and Motoricity", it teaches "symptom", "complaint", and "site" data (see col. 2, lines 46-52). The Examiner notes that Andros's method and system are also suitable for patient data associated with the types of therapy as described in the applicant's invention. Hence, claim 1 is rejected as being anticipated by Andros.

17. **Regarding claim 2**, Andros teaches a process according to claim 1, characterized in that the therapy types used by the therapy providers relating to cognition, emotion and motoricity are input into a computer, stored, and transmitted to the other therapy providers over a data network connected to the computer (see col. 2, lines 24-36, col. 2, lines 1-10, 37-44, col. 5, lines 7-16, col. 7, lines 38-46).

18. **Regarding claim 3**, Andros teaches a process according to claim 1 or 2, characterized in that the data pertaining to the patient's physical constitution relating to

the illness to be treated are determined, stored in the computer and transmitted to the therapy providers over a data network connected to the computer (see col. 6, lines 31-54).

19. **Regarding claim 4**, Andros teaches a process according to claim 3, characterized in that the therapy types used by the therapy providers relating to the (patient's) physical constitution, and the medications used are input into a computer and transmitted to the other therapy providers over a data network connected to the computer (see col. 2, lines 1-10).

20. **Regarding claim 5**, Andros teaches a process according to claim 1, characterized in that the patient's data relating to cognition, emotion, motoricity, therapy types, physical condition and medications are governed, controlled and evaluated by a central computer (see col. 1, lines 37-47, col. 5, lines 7-16, figure 1/element 16).

21. **Regarding claim 6**, Andros teaches a device for the coordination of several types of therapy and therapy providers participating in a treatment of a patient, characterized in that to all therapy providers computers are provided, and that the computers are interconnected with one another over a data network (see col. 2, lines 1-10, 37-44, 53-62, col. 5, lines 7-27, figure 1).

22. **Regarding claim 7**, Andros teaches a device according to claim 6, characterized in that a central computer is provided for the governing, control and evaluation of the data relating to the patient (see col. 1, lines 37-47, col. 5, lines 7-16, figure 1/element 16).

23. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

24. Claims 1-7 are rejected.

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7364. The examiner can normally be reached on M-F, 9-4 PM.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



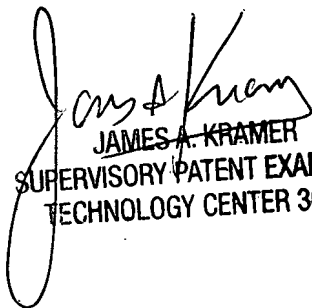
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT

  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
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9-27-07